

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 OCT 15 P 4:25
U.S. DISTRICT COURT
DISTRICT OF MASS

PAN AMERICAN AIRWAYS CORP.,)
Plaintiff/Counter-Defendant)
v.)
ROBERT E. BARNES)
Defendant/Counter-Plaintiff)

)

Case No. 04-CV-10515JLT

**MOTION TO DISREGARD PLAINTIFF/COUNTER-DEFENDANT'S DECLARATION
IN SUPPORT OF ITS REPLY TO BARNES' PARTIAL SUMMARY JUDGMENT
MOTION.**

NOW COMES Defendant/Counter-Plaintiff, Robert E. Barnes, by and through his attorney, and hereby moves this Court, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, to disregard Steve Legere's Declaration in support of Plaintiff's reply in opposition to Barnes' partial summary judgment motion.

This motion is supported by Defendant's Memorandum of Law.

Pursuant to Local Rule 7.1(A)(2), counsel hereby certifies that he and counsel for the Plaintiff/Counter-Defendant have conferred and attempted in good faith to resolve or narrow the issue.

Respectfully submitted,

Dated: October 12, 2004

Peter Piel

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